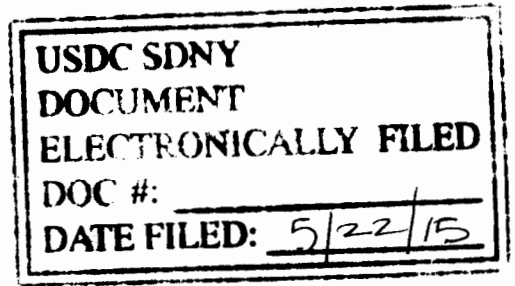


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



DENARD BUTLER,

Petitioner,

-against-

PHILIP HEATH, Superintendent, Sing Sing
Correctional Facility,

Respondent.

SHIRA A. SCHEINDLIN, U.S.D.J.:

X

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X

ORDER

12 Civ. 3327 (SAS) (DF)

I have reviewed the Report and Recommendation (“R&R”) of United States Magistrate Judge Debra Freeman, dated February 18, 2015, which recommends that I deny the petition for writ of habeas corpus brought by pro se petitioner Denard Butler pursuant to 28 U.S.C. § 2241. Although petitioner was given the opportunity to file objections to the R&R by April 19, 2015, he failed to do so. Based on my independent review, I hereby adopt the thorough and thoughtful R&R in full.

In accordance with the R&R, the instant habeas petition is dismissed with prejudice. Because petitioner’s failure to file objections precludes appellate review, this Court will not issue a certificate of appealability. *See Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992) (“We have adopted the rule that failure to object timely to a report waives any

further judicial review of the report.”). The Clerk of the Court is directed to dismiss the instant petition and close this case.

SO ORDERED:


Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
May 22, 2015

- Appearances -

Petitioner (Pro Se):

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